

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STACEN OMAR OUTHOUMMOUNTRY,)	Case No.: 1:22-cv-0954 JLT BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS TO DISMISS ACTION
v.)	FOR FAILURE TO STATE A CLAIM
)	
FUNDERBURK, et al.,)	(Doc. 14)
)	
Defendants.)	
)	

The assigned magistrate judge screened the First Amended Complaint and determined Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 14.) The magistrate judge observed that Plaintiff was previously provided the relevant legal standards and failed to cure the deficiencies in his complaint. (*Id.* at 8.) Therefore, the magistrate judge recommended the action be dismissed. (*Id.*)

The Court served the Findings and Recommendations on Plaintiff. It advised him that any objections had to be filed within 14 days. (Doc. 14 at 1, 8.) In addition, the Court informed Plaintiff that the “failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.* at 8, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, Plaintiff has not filed objections and the deadline to do so has expired.

1 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of this case.
2 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations
3 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on November 2, 2022 (Doc. 14), are
5 **ADOPTED** in full.
- 6 2. This action is **DISMISSED** with prejudice.
- 7 3. The Clerk of the Court is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: **December 8, 2022**


UNITED STATES DISTRICT JUDGE